THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

On Wednesday, the twenty fifth day of January,

two thousand and six .

W.P.No.13434 of 1996

Tummalapalli Sreeramamurthy.

....Petitioner.

And:

Union of India, represented by its Secretary, Law Department, Sastry Bhavan, New Delhi and others.

.....Respondents.

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

W.P.No.13434 of 1996

O R D E R:

By this petition, petitioner is seeking a declaration that inclusion of Rachannagudem village, Jeelugumilli Mandal, West Godawari District in the scheduled area is illegal and without jurisdiction.

As per Part-C, Fifth Schedule to the Constitution, the President has power to include or exclude any area from the scheduled areas. Since such action of the President is akin to that of a legislative function, this Court cannot, by exercising its jurisdiction under Article 226, interfere with the power exercised by the President of India. The petitioner, if aggrieved, has to take recourse to other remedies open to him like making a representation for reconsideration etc.

Hence, the writ petition is dismissed with costs.

JUSTICE C.Y.SOMAYAJULU

25th January 2006.

BCS